

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE KURIAN JOSEPH**

**FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929**

**WP(C).No. 11243 of 2004(L)**  
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**PETITIONER:**  
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**SUKUMARAN M.K., MADAPPALLIL VEEDU,  
MADAMON P.O., VADASSERIKARA, RANNI.**

**BY ADV. SRI.V.PHILIP MATHEW**

**RESPONDENTS:**  
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- 1. STATE OF KERALA, REPRESENTED BY  
SECRETARY, DEPARTMENT OF FINANCE,  
KERALA GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. ASSISTANT EXECUTIVE ENGINEER,  
PWD ROAD DIVISION, PATHANAMTHITTA.**
- 3. THE ACCOUNTANT GENERAL (A&E), KERALA,  
THIRUVANANTHAPURAM.**

**BY GOVERNMENT PLEADER MOHAMED FAZIL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 10/08/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**W.P.(C) NO. 11243/2004**

**APPENDIX**

**PETITIONER'S EXHIBITS**

**EXT.P1:- COPY OF THE ORDER NO.A2-419/83 DT. 20.5.97 ISSUED BY THE 2ND RESPONDENT.**

**EXT.P2:- COPY OF THE LETTER ISSUED BY SUPERINDENDENT ENGINEER ADDRESSED TO 2ND RESPONDENT DT. 21.7.97.**

**EXT.P3:- COPY OF THE LETTER ISSUED BY THE 3RD RESPONDENT TO 2ND RESPONDENT DT. 1.4.98.**

**EXT.P4:- COPY OF THE NOTIFICATION DT. 18.9.99.**

**EXT.P5:- COPY OF THE LETTER ISSUED BY 3RD RESPONDENT TO 2ND RESPONDENT DT. 12.5.00.**

**EXT.P6:- COPY OF THE ORDER OF 1ST RESPONDENT DT. 1.9.2000.**

**EXT.P7:- COPY OF THE MEDICAL CERTIFICATE OF PETITIONER.**

**/TRUE COPY/**

**P.A. TO JUDGE**

**tss**

KURIAN JOSEPH , J  
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W.P.(C) NO. 11243 OF 2004

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Dated this the 10th day of August, 2007.

**JUDGMENT**

Petitioner is aggrieved since pension as per Ext.P4 is denied to him. In the counter affidavit it is stated that the petitioner was only a Seasonal Ferryman and the pension as per Ext.P4 is intended only to full time Ferryman. The learned Government Pleader further submits that the petitioner had already foregone all the service benefits in order to continue as a Seasonal Ferryman and hence only the eligible seasonal gratuity is permissible and that was given also. The contention of the petitioner is that even in the case of Seasonal Ferryman seasonal gratuity as per Ext.P4 has been given to several persons. It will be open to the petitioner to point out the grievance before the 1st respondent in which case without discriminating the petitioner appropriate action will be taken by the 1st respondent without delay.

The writ petition is disposed of accordingly.

**KURIAN JOSEPH, JUDGE.**